

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001**

**Notice of Price Adjustment and Classification Changes Related to Move Update
Assessments
DOCKET NO. R2010-1**

**COMMENTS FROM DATA-MAIL
240 Hartford Avenue
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Data-Mail offers comments in response to Postal Regulatory Commission (PRC) Docket No. RM2010-01, Notice of Price Adjustment and Classification Changes Related to Move Update Assessments.

We are submitting this declaration in support of the comments made by the Association for Postal Commerce. We raise and reiterate issues in these comments that have been raised in previous comments relative to Move Update compliance and penalties, but which have not been fully addressed, clarified, or responded to.

These statements herein are made to the best of my knowledge, information, and belief.

I. BACKGROUND ON DAT-MAIL

Data-Mail is a recognized leading mail service provider in the direct mail industry. Founded in 1971, by Andrew and Joyce Mandell, Data-Mail, Inc. has grown to be one of the nation's largest direct mail processing and computer services companies. Today we employ a

workforce of 950 people in a 3three-shift production environment. Our facilities presently produce 4,000,000 to 6,000,000 pieces of finished mail per day.

Despite months of requests for clarification, the USPS has failed to disclose many of the most critical rules and definitions that will determine whether a given address will pass or fail. They have also failed to appreciate the challenges and difficulties they have imposed on mail service providers, such as Data-Mail. We have been unable to give adequate guidance to our customers, and have been unable to establish procedures designed to deal effectively with the proposed rules.

Just recently, we processed a mailing for a customer who assured us they had done the required NCOA processing on their lists in order to meet the Move Update requirement. At present, there is no document (like the Form 3553 for CASS) that can be provided to us by customers to prove to us that they have performed NCOA to meet the Move Update requirement. However, despite our customer's insistence that Move Update was performed via NCOA, according to the USPS the mailing in MERLIN testing based on a small sampling.

Like many other mail service providers, we have a long-established business practice that includes mailing out of our own central mailing permit, which we own, maintain, and fund. Obviously, this opens us up to liability for paying the assessed penalties if the USPS claims that a mailing that is being mailed under that permit fails. The failed mailing is, in effect, held hostage at the mail dock – unless we pay the penalty, even if we think the penalty is in error. The burden of proof is on us, there is no dispute or escalation procedure, and without time to gather any evidence, we will be forced to pay the penalty so that the mail keeps moving, and go

back and try to defend the mailing after the fact. This is cumbersome, and can be a costly process, with no guarantee of a successful outcome. It is also unfair.

More generally, other areas of concern include the following:

- Will mailers who choose to have NCOA^{Link} accept only Individual matches (an option explicitly allowed by the USPS regulations for NCOA^{Link}) be penalized when an address in the PBV database has a Family move on file? This is a huge issue because approximately 40% of reported COAs are reported as family moves.

- Database inconsistencies:
 - Inability to distinguish between family members with closely similar names.
 - USPS databases deal poorly with college, university and military addresses and alias addresses.
 - Inconsistent file formats of the Postal Service's multiple Move Update address databases also produces false positives.
 - Inconsistencies between results of IMb and traditional ACS service. USPS Address Correction groups operate independently of each other, and don't necessarily communicate fully with each other. Different File Formats between Intelligent Mail ACS and OneCode ACS make using the same repository for ACS information impossible.

- The limited information disclosed by the Postal Service about the MERLIN-based Performance Based verification process makes clear that it is likely to generate many

false positives—i.e., report many Move Update-compliant addresses as noncompliant. There is no clear or established procedure on how to adequately defend what we feel are false readings coming back from MERLIN in a timely fashion. Mailers cannot avoid liability under the MERLIN/PBV test by faithful compliance with USPS-approved Move Update methods. Our customer's use of the mail and mailing services may decline if penalties are put into place as scheduled. There is an unmanageable risk associated with compliance.

We hope that our comments will help to provide the Commission with useful information on the needs and expectations of our mailing customers, with respect to Move Update assessments. We look forward to working with both the Postal Service and the Commission more closely as this process continues.

Respectfully submitted,

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